

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Donald I. Palmer,
Petitioner,

-V-

**Case No. C-1-00-882
Judge Rose
Magistrate-Judge Merz**

Margaret Bagley, Warden,
Respondent.

**PETITIONER'S MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Comes the Petitioner, by counsel, and moves the Court for an extension of time to February 27, 2006, within which to file his objections to the Report and Recommendations filed by the Magistrate Judge on December 16, 2005 (Doc. 103) for the reasons set forth below.

s/Keith A. Yeazel

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Trial Attorney for Petitioner

MEMORANDUM IN SUPPORT

Petitioner's counsel spoke with Assistant Attorney General Matt Hellman on February 3, 2006 and he has no objection to extending the time in which to file objections to February 27, 2006.

The Objections to the Report and Recommendation were originally due on January 4, 2006. The Court kindly granted an extension to February 6, 2006. Counsel for Petitioner has been diligently working on the objections to the report recommendation. However, as is the norm for attorneys in private practice, activities in other cases have limited counsel's ability to focus on preparing the objections. Specifically, Attorney Yeazel received a briefing schedule from the Sixth Circuit in the case of United States v. Smith on January 19, 2006 indicating that briefs are due on February 27, 2006. In addition, in the past three weeks two former clients were arrested and charged with violating the terms and conditions of supervised release. This has resulted in four unanticipated Court appearances. Attorney O'Hara, is presently involved in an arbitration that is expected to conclude on February 10, 2006.

At this point, Petitioner's counsel envisions no more requests for an extension. Accordingly, Petitioner respectfully requests an extension to February 27, 2006, inclusive, within which to prepare his objections to the Magistrate's Report and Recommendations.

Respectfully submitted,

/s/ Keith A. Yeazel

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TRIAL COUNSEL FOR PETITIONER DONALD L. PALMER

CERTIFICATION

I hereby certify that I have, this 6TH day of February, 2006, served electronically through the Court's ECF System a copy of the foregoing pleading to the following attorneys of record:

Heather Gosselin
Matthew Hellman
ASSISTANT ATTORNEY GENERAL
Capital Crimes Section– 23rd Floor
30 East Broad Street
Columbus, Ohio 43215

/s/ Keith A. Yeazel

KEITH A. YEAZEL